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C O N F I D E N T I A L SECTION 01 OF 02 CHIANG MAI 000030

SIPDIS

DEPARTMENT FOR EAP, DRL AND G/TIP
LABOR FOR ILAB

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TAGS: [PHUM](#) [ELAB](#) [SMIG](#) [KJUS](#) [TH](#) [BM](#)
SUBJECT: PROVINCIAL AUTHORITIES CLAMP DOWN ON MIGRANT WORKERS

REF: CHIANG MAI 24 (BY-ELECTIONS, REDS AND MIGRANTS)

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CLASSIFIED BY: Alex Barrasso, Chief, Pol/Econ, CG Chiang Mai.
REASON: 1.4 (b), (d)

Summary and Comment

1. (C) According to Chiang Mai's Vice Governor, the strict enforcement of rules governing migrant workers that he initiated in the Province in the wake of the February 7 rape and murder of a local university student (Reftel), which aims to ensure that all migrant workers are "in the system," will last a few more weeks. Police contacts confirmed that two suspects in the case, both of whom are migrant workers from Burma, remain in custody, though NGOs doubt the culpability of one of them, whose confession they assert was forced. These strict law enforcement efforts have resulted in hundreds of workers arrested, and many "softly" deported, with the situation exacerbated by credible reports of police corruption and mistreatment by both prison and police officials.

2. (C) Comment: The problem is not that provincial authorities want to enforce the law; it is the failure to deal with the corrupt practices that are credibly reported to accompany that enforcement. Ensuring that all workers are properly documented, registered and employed serves to protect them. However, the detainee abuse and police corruption reported in this case are indicative of problems that are deep-rooted and will be difficult to address in the short-term. End Summary and Comment.

Tougher Law Enforcement Targets Burmese Migrant Workers

3. (C) Chiang Mai's Vice Governor for Security Affairs Pairoi Saengpoowong confirmed to us on February 25 that he ordered relevant law enforcement and other entities in Chiang Mai Province to ensure all migrant workers (particularly those from Burma) are in compliance with Thai laws governing their status and work. Agencies involved include the Social Development and Human Security (SDHS) Office, commercial and industrial offices, job placement office, immigration, and police. SDHS personnel are conducting residence checks on migrant workers and advising landlords against accepting undocumented tenants; immigration officials are paying more attention to workers' entry and exit; police are ensuring that workers are properly documented; commercial and industrial officials are making sure workers are employed at the appropriate work sites in the approved occupation; and job placement officials are tracking workers who have not renewed their permits.

14. (C) Pairot told us the sweeps will take place in two stages. Initially, they will focus on the area immediately surrounding the location of the February 7 rape and murder of a Mae Jo University student. In the second, the police and military will broaden the area of operation to cover other key districts in Chiang Mai Province. Pairot emphasized that his primary concern was to ensure that all migrant workers are "within the system" and documented in accordance with Thai law. When we asked whether this meant that he was seeking to enforce a recently-announced Thai policy that all Burmese migrant workers must cross the border into Burma to verify their nationality as part of the process of renewing work permits, he said he was not.

(Note: The policy was announced in January when the RTG also announced it would not go forward with a widely anticipated amnesty for illegal migrant workers from Laos, Cambodia, and Burma, as it had done on multiple occasions in the past. There is yet no indication that the nationality verification process for Burmese migrants is being enforced. In fact, , Ministry of Foreign Affairs contacts told Embassy Econoff that the policy as announced is less than fully coordinated within the RTG, and may run counter to Thai immigration/visa regulations. Cambodian, Lao and other migrant workers have been subject to similar regulations for some time, but verify their nationality with officials from their governments within Thailand. The Burmese government has not provided this same service. End Note.)

So What's Wrong With Enforcing the Law?

15. (C) Local NGO staff pointed out several instances in which officials involved in the sweeps have acted inappropriately or engaged in blatant corruption. Contacts at the Migrant Justice Program (MJP) told us a high percentage of the over 350 workers detained so far were asked to pay bribes of over \$240 for their release. Those who could not pay were reportedly taken to the Burma border, though they were not handed over to Burmese

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authorities. Many have since returned to Chiang Mai, after reportedly having to pay brokers just over \$300 to ensure their safe passage. MJP did report that some workers were captured by the United Wa State Army (an insurgent group engaged mainly in narcotics trafficking) and turned over to Burmese authorities after crossing the border, but we cannot verify these reports.

16. (C) In other instances, MJP staff told us police were ripping up workers' identity documents and telling them they no longer had legal status in Thailand. Contacts at another NGO -- the Migrant Assistance Program (MAP) -- told us that it is actually not difficult for workers to obtain new work permits in such cases. However, they bemoaned frequent occurrences of these abusive practices. When we raised this issue with Vice Governor Pairot, he neither affirmed nor denied that such practices are carried out.

17. (C) MAP and MJP staff also told us that at least one of the two suspects in custody was forced to confess his involvement in the crime, though he subsequently told them he had no part in it. According to the NGOs, this suspect, named Htun, was beaten twice -- once by a fellow detainee while at the police station, and then again by prison officials while jailed. He was also threatened with more bodily harm if he did not confess. One of the attorneys defending him, who is employed by MAP, told us he personally saw the scars and bruises on Htun's body. He also showed us a letter from a fellow inmate detailing the manner in which Htun was beaten.

18. (C) The other suspect, named Chai, confessed both to the NGOs and the police that he carried out the crime, and that he had an accomplice, according to the attorney. However, when he was shown pictures of Htun, he denied knowing him. According to the attorney, the police have no forensic evidence connecting Htun to the crime, and even the police are not certain he was

involved. MJP and MAP staff went into detail to demonstrate to us that the police picked up Htun based solely on a vague description they got from Chai, and confirmation by Htun's former employer that the suspect's name was Htun. (Comment: Many Burmese have Htun in their name. It is akin to being a westerner named John or Bob.)

¶9. (C) Even though Htun has confessed to the crime, MAP's attorney believes that he still has a chance of receiving a fair trial. If he denies having committed the crime when he testifies in court, the attorney told us the judge will not give his confession much credence. Furthermore, if no forensic evidence links Htun to the crime scene, it will be even harder to secure his conviction. The chief police investigator in the case seconded this assessment. We will continue to track progress in this case, particularly noting the results of the autopsy and forensics testing, and what impact they have on Htun's detention.

¶10. (U) This cable was coordinated with Embassy Bangkok.
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